

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 142

Introduced by Assembly Member Bigelow
(Principal coauthor: Senator Berryhill)

January 12, 2015

An act to *amend Section 5093.56 of, and to add ~~Section~~ Sections 5093.548 and 5093.549* to, the Public Resources Code, relating to wild and scenic rivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 142, as amended, Bigelow. Wild and scenic rivers: Mokelumne River.

(1) Existing law, the California Wild and Scenic Rivers Act, provides for a system of classification of those rivers or segments of rivers in the state that are designated as wild, scenic, or recreational rivers, for purposes of preserving the highest and most beneficial use of those rivers. The act requires the Secretary of the Natural Resources Agency to study and submit to the Governor and the Legislature a report that analyzes the suitability or unsuitability for addition to the system of rivers or segments of rivers that are designated by the Legislature as potential additions to the system, and requires that each report contain specified information and recommendations with respect to the proposed designation.

This bill would require the secretary, in a report analyzing the ~~suitability~~ *suitability* or nonsuitability of a proposed designation of the Mokelumne River, its tributaries, or portions thereof as additions to the system, to consider the potential effects of the proposed designation on future water requirements, as specified, and the effects of climate

~~change~~: change on river values and water supply, and to consider other factors. The bill would include any portion of the Mokelumne River designated for potential addition within certain protections afforded to wild and scenic rivers during the study period and implementation of any recommendation to add the portion of the Mokelumne River to the system.

The bill would also designate a specified portion of the Mokelumne River, or any segments of that portion, for potential addition to the system. The bill would require the secretary to submit a report pursuant to the above-described requirements to the Legislature and Governor no later than December 31, 2016 and would require the report to include a clear recommendation whether the Legislature should enact legislation to add the portion of the Mokelumne River, or any segments of that portion, to the system.

(2) The bill would declare that due to the unique geographical features of the Mokelumne River and its tributaries, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5093.548 is added to the Public Resources
2 Code, to read:
3 5093.548. (a) Notwithstanding Section 5093.547, prior to the
4 designation of the Mokelumne River, its tributaries, or portions
5 thereof as additions to the system, the secretary shall study and
6 submit to the Governor and the Legislature a report that analyzes
7 the suitability or unsuitability of the proposed designation. The
8 suitability analysis contained in the report shall consider ~~the~~ all of
9 the following:
10 (1) The potential effects of the proposed designation on the
11 ability of public agencies and utilities within the Mokelumne River
12 watershed to meet current and projected future water requirements
13 through the development of new and more reliable water supplies
14 from the Mokelumne River, ~~and any River~~. When considering
15 projected future water requirements, the secretary shall only
16 consider feasible projects to meet foreseeable demands.

1 (2) Any effects of climate change. ~~The change on river values~~
2 and water supply.

3 (3) The instances when the secretary has determined pursuant
4 to Section 5093.55 that a water diversion facility may be
5 constructed on a river or segment of a river that is part of the
6 system.

7 (4) The instances when the State Water Resources Control Board
8 has approved an application to appropriate water from a river or
9 a segment of a river that is part of the system and what restrictions,
10 if any, were placed on the appropriation of water as a result of
11 the river or segment of a river's inclusion in the system.

12 (b) The report shall also include the information required in
13 subdivision (b) of Section 5093.547 and the secretary's
14 recommendations and proposals with respect to the proposed
15 designation.

16 (c) The report required for the portion of the Mokelumne River
17 designated for potential addition to the system pursuant to Section
18 5093.549 shall be submitted to the Legislature and Governor no
19 later than December 31, 2016, and shall include a clear
20 recommendation whether the Legislature should enact legislation
21 to add the portion or any segment of that portion of the Mokelumne
22 River to the system.

23 (d) The study undertaken by the secretary pursuant to
24 subdivision (a) shall provide for public input from a broad range
25 of stakeholders.

26 ~~(b)~~
27 (e) A report required to be submitted pursuant to subdivision
28 (a) shall be submitted in compliance with Section 9795 of the
29 Government Code.

30 (f) During the study period and implementation of any
31 recommendation to add segments to the system, no dam, reservoir,
32 diversion, or other water impoundment facility may be constructed
33 on any segment designated for study by the secretary as a potential
34 addition to the system unless the secretary determines that the
35 facility is needed to supply domestic water to the residents of the
36 county or counties through which the river and segment flows and
37 the secretary determines that the facility will not adversely affect
38 the free-flowing condition and natural character of the river and
39 segment. This subdivision shall not apply to, and shall not in any

1 way affect, Amador Water Agency's water rights application
2 5647X03 pending before the State Water Resources Control Board.

3 SEC. 2. Section 5093.549 is added to the Public Resources
4 Code, to read:

5 5093.549. The portion of the Mokelumne River, or any segment
6 of that portion, located upstream from the upper extent of the
7 Pardee Reservoir at the elevation of not less than 580 feet above
8 mean sea level is hereby designated for potential addition to the
9 system.

10 SEC. 3. Section 5093.56 of the Public Resources Code is
11 amended to read:

12 5093.56. No department or agency of the state may assist or
13 cooperate, whether by loan, grant, license, or otherwise, with any
14 department or agency of the federal, state, or local government,
15 in the planning or construction of a dam, reservoir, diversion, or
16 other water impoundment facility that could have an adverse effect
17 on the free-flowing condition and natural character of the river
18 either of the following:

19 (a) The rivers and segments thereof designated in Section
20 5093.54 as included in the system.

21 (b) The portion of the Mokelumne River designated in Section
22 5093.549 for study by the secretary as a potential addition to the
23 system until after the study period and implementation of any
24 recommendations have been completed. This subdivision shall not
25 apply to, and shall not in any way affect, Amador Water Agency's
26 water rights application 5647X03 pending before the State Water
27 Resources Control Board.

28 ~~SEC. 2.~~

29 SEC. 4. Due to the unique geographical features of the
30 Mokelumne River and its tributaries, the Legislature hereby finds
31 and declares that a general cannot be made applicable within the
32 measuring of Section 16 of Article IV of the California
33 Constitution. Therefore, the special legislation contained in Section
34 1 of this act is necessarily applicable to the Mokelumne River and
35 its tributaries.